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The Status of Indians in the Empire

By

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K I T A B I S T A N
ALLAHABAD

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THE STATUS OF INDIANS IN THE EMPIRE

I. INTRODUCTION

Probably few questions have given rise to more bitter public criticism and comment in India than the status and treatment of Indians in the Empire. The origin of the resentment almost universally felt is complex. There is, of course, the basic and permanent resistance to anything that may be regarded as evidence of colour prejudice. This is a world problem, not confined to India and the British Empire alone, and it is not the purpose of this paper to discuss it, or indeed to refer to it again, but it is essential to remember that any stigma, real or apprehended, attaching to colour is a lasting cause of offence to Indians and that where cold reason may admit justification, warm sentiment is apt to remain unconvinced.

2) A second cause of resentment is to be found in the partial—but only partial—truth of the charge sometimes levied that Indian emigrants as a whole are of a low class and standard, the argument being that they cannot, therefore, expect the same consideration that would be accorded to emigrants of learning, dignity or high social standing. It is true that the greatest difficulty in the problem of Indians in the Empire dates back to the time when Western expansion and so-called “exploitation” of undeveloped areas called for the assistance of large numbers of Indian labourers; it is also true that other, and earlier, Indian emigration has been mainly of the merchant class who have had an eye to their own profits and in the last few centuries (due possibly to Brahmin influence) Indian emigrants have not displayed the quality, or indeed the desire, of the Western emigrant to settle and colonise in the ordinary sense of the word. But the argument already quoted cannot, of course, stand any close examination. Not only can the same be said of many Western emigrations, namely, that the bulk of the emigrants were not of the well-bred or well-educated classes, but also it is plainly illogical to maintain that because the original

emigrants were of a low standard, no emigration of people of a higher standard shall be permitted. \

Yet another cause of resentment, curiously enough, is to be found in India's long and continuing struggle with the British Government for her own constitutional independence. With the exception of South Africa, India's principal disputes in this matter have been with colonies, not with Dominions. It has, therefore, been easy to argue that since the British Government are unwilling to concede Indians absolute freedom (whatever that may mean) in their own country, they can hardly be expected to prove themselves vigorous champions of Indian rights in other countries. Consequently, whenever on a particular issue there has been conflict between the India Office and the Colonial Office, the latter has invariably come off best. Similarly, whenever there has been a clash between Indian commercial interests and British commercial interests, the former have invariably gone to the wall. Whatever the validity or otherwise of this argument, it is clear that it involves a confusion of two or more issues. But that does not detract from its powers to add to the indignation and sense of affront which almost all Indians feel over this problem. Nor does it assuage Indian sentiment to be told, as indeed is true, that this line of argument ignores the distinction, which may at times be a flat contradiction, between the principles for which India is contending and the practical benefit of Indian communities settled abroad.

Lastly there is a very genuine concern over the conditions under which the large number of Indian labourers abroad live and work. Emigration of unskilled workers is permitted only on specified conditions, and it is a clear responsibility of the Government of India to see that these conditions are fulfilled. It is not surprising, therefore, nor unreasonable, that Indian opinion and the Government of India have identified themselves with demands on behalf of labour which are in fact in advance of conditions prevailing in India itself. The purpose of voluntary emigration is some form of betterment, and where Government assume the responsibility of permitting or prohibiting it, they must, where permission is granted, satisfy themselves that better-

ment is likely to ensue. Linked with this genuine concern is also the desire that India should not be judged in foreign eyes by her "labour exports" alone. This sentiment, as well as a fear of flooding the labour market and reducing wages, is behind the recently increasing tendency in India to prohibit the emigration of unskilled labour altogether, or at least to permit it only where free emigration of all other classes is also allowed. It must be confessed also that there is a feeling that in this respect, if in no other, India has a sanction which she can enforce against certain countries, and after a history of continuous compromise the temptation to wield the big stick is strong.

II. THE EXTENT OF THE PROBLEM

India has a population of some 400 millions. The total number of Indians outside India but within the Empire is some $3\frac{1}{2}$ millions. Numerically, therefore, it can be said that this is a small matter, and there have indeed been suggestions that India has displayed a "Sudetenland" mentality in her apparently uncompromising approach to the problem. The following table affords a picture of the distribution of Indians in the Commonwealth and the numerical importance of the Indian community in each country.

TABLE

<i>Country</i>	<i>Total population</i>	<i>Indians</i>	<i>Percentage of Indians to total</i>	
South Africa	9,589,898	219,691	2.3	(1936)
Canada	10,376,786	1,599	0.01	(1931)
Australia	6,629,839	2,404	0.03	(1933)
New Zealand	1,626,486	1,146	0.07	(1939)
Burma	14,667,146	1,017,825	6.9	(1931)
Ceylon	6,083,000	750,000	12.3	(1942)
Malaya	5,504,094	748,829	13.6	(1940)
Fiji	198,379	85,002	42.9	(1936)
Mauritius	415,462	269,885	64.9	(1938)
Jamaica	1,138,558	18,000	1.5	(1936)
Trinidad	448,253	151,076	33.7	(1936)
Br. Guiana	337,039	142,978	42.4	(1937)
Kenya	3,365,891	44,635	1.3	(1938)
Tanganyika	5,063,660	23,472	0.4	(1931)
Uganda	3,747,221	13,026	0.35	(1938)
Zanzibar	235,428	1,4242	6.05	(1931)

A casual glance at the above table might suggest firstly, that the problem generally is a small one and secondly, that it should be most acute in Mauritius, Fiji, Br. Guiana, Trinidad, Malaya and Ceylon. Both conclusions would be far from the truth. Undoubtedly, the most acute problem from the Indian point of view exists in South Africa ; almost equally acute is that in Kenya. Burma and Ceylon, it is true, are countries where the treatment of Indians arouses serious apprehension, but with a somewhat different bias. The reason is fairly clear ; where the tension is between Indian and European or "white" population, it acquires a strong social tinge which adds very greatly to the sum of animosity. There have been cases where ill-informed comment in India has launched virulent attacks against "white settlers" in regard to the treatment of Indians in countries, e.g., Zanzibar where virtually no "white settlers" exist. In the cases of Burma and Ceylon, there is also undoubtedly racial animosity, but it is definitely of a less bitter nature and, indeed, acquires some of its strength from the fact that the Burmans and Ceylonese are not constitutionally in a position to practise discrimination against British European subjects, while no such bar operates in the case of British Indian subjects.

It would also be a mistake to estimate the importance of the whole problem to India by reference to the numbers involved. Certain principles are involved which to the Indian mind are vital, not merely in relation to India's position in the Commonwealth as a whole, but also in relation to her position *vis-a-vis* the British Government. No amount of argument based on hard practical considerations is likely to shake Indian attachment to these principles, certainly not so long as her dispute with the British Government remains unresolved. Moreover, in certain cases, particularly that of South Africa, Indians are convinced that the disabilities from which their countrymen suffer offend against not only principles of fundamental importance, but also the barest demands of plain justice and logic. Principle (sometimes rather theory perhaps), and legal justice are considerations which exercise a very powerful influence upon Indian thought, and where they are felt to be outraged or denied the arithmetical size of the incident becomes of no consequence at all.

III. INDIAN DISABILITIES

1. *The Dominions*

Of the list of countries given in the table in the preceding paragraph, not all need detailed reference. In some of them the problem affecting Indians is even in Indian eyes so small as not to require constant repetition. Among the Dominions, South Africa is the outstanding case. In *Canada*, the only complaint relates to the franchise in one Province, British Columbia. It is here that the bulk of the Indian immigrants had settled, but even so their numbers are so infinitesimal that Indian opinion has never been able to understand why the franchise has been refused. It may be noted that the refusal of the Provincial franchise carries with it a refusal of the Dominion franchise, and that, however ready the Dominion Government may be to grant it, they are unable to do so. It may, perhaps, not be realised that the grant of this privilege in British Columbia, and consequently in the Dominion, would have an effect on Indian opinion out of all proportion to the practical issues involved. In *Australia*, apart from the whole question of immigration for permanent settlement which will be discussed later, there are only certain minor disabilities relating to Crown lands, mining, employment, etc. Few, if any Indians, in fact suffer on account of the statutory provisions in this respect, and it is within the competence of the several States to remove them. There is reason to believe that the Commonwealth Government is sympathetic and Indian opinion generally, while anxious that all statutory discrimination should be removed, does not bear any ill-will towards Australia because these provisions still exist. It is pleasant to record that in *New Zealand* Indians have no disabilities at all.

The case of *South Africa* is, unfortunately, very different. The bulk of the Indian population in South Africa is in Natal and it was to save the plantations in Natal that Indian labour was first requested, or indeed implored, by the Natal Government. From the time when these labourers worked out their first indentures, the Natal planters made attempt after attempt over a period of some 50 years both to reap the benefit that the labour brought them and to ensure that the

individual labourers should acquire no rights to settle in Natal and become permanent citizens of the country. On the whole, though with occasional lapses, the Government of India, fought hard for the labourers and it is to their credit that in 1911, they prohibited indentured emigration to Natal. It might have been better, had they done so forty years earlier, even at the cost of economic ruin in Natal, for by 1911 the damage was done and the problem created. There is also a second aspect of the problem in South Africa. Apart from plantation workers and market gardeners, there are many Indian traders in the country, in the Cape and Transvaal as well as in Natal. Every conceivable device has been used to deprive these people of their means of livelihood and every conceivable argument adduced to justify their repression. They have been segregated in locations and bazaars on "sanitary" grounds, and no "sanitary" facilities provided; licences to own land or houses, licences to occupy land or houses, licences to trade have been placed in the hands of bodies upon which they have no representation while their trade rivals have. It has been argued that they lower the standard of living, that they make undue profits out of the simple African native; that if Indians are allowed privileges, Africans will claim them too; that they have no lasting affection for South Africa and are constantly looking to India; that they constitute a danger to the country by inter-marriages. It is hardly necessary to expose the fallacies in these arguments. That has already been done by more than one Commission established by the Union Government itself. Suffice it to say that the Government have failed to offer any inducement to Indians to improve their standard of living or to identify themselves with South African interests, that licensing officers have done their best to confine Indian trade to those very natives whom they are supposed to cheat, and that Indians themselves have denounced both inter-marriages and a united Indo-African front. On the contrary, Indians are segregated by every social means that can most wound their human sentiments. They may not enter European theatres, cinemas, shops, hotels; they may not use lifts, but must take the stairs; they are excluded from European schools and largely, universities; they have separate accommodation

in trains, trams and buses, separate counters at post offices even, and are subject to daily humiliation by petty officials. Nevertheless the Indian community has demonstrated unmistakably that they regard South Africa and no other country as their home. They have refused all schemes to assist them to emigrate, even to India, and within the limits permitted them have invested their gains in South Africa, particularly in land and house property. The facts, though simple enough, are seldom frankly admitted by South Africans. They are that colour prejudice, augmented perhaps by the presence of a large native population and the memory of past native wars, has taken deep root in the South African of European extraction; that jealousy of successful cheap trading methods has inspired economic restriction in contradiction of any principle or canon or justice; and that there has been a wilful blindness to the human needs of the Indian community just as ostrich-like, and in some respects just as dangerous, as the wilful blindness which left the Commonwealth, and England in particular, at the mercy of the aggressors in 1939. In India, the South African attitude is the cause of a resentment deeper, more widespread and more bitter even than has sprung from the long struggle with England for self-government. The solution or otherwise of this particular problem may well prove the determining factor when India has a free choice to remain in the Commonwealth or stay outside.

B. *The Colonies*

Ceylon and *Malaya* may well be taken together, since the essential problem is largely the same, namely, the treatment of Indian labour. In both countries Indian labourers, with their families, number about three quarters of a million; in both countries the labour forces are mainly on estates and have been permitted to go there, under specific conditions imposed by the Government of India; in both countries the Government of India have their own representatives primarily to see that those conditions are fulfilled. It is not necessary for this paper to detail rates of wages and the many disputes upon which the Government of India have entered with one or other of the Governments in order to

obtain what they regard as proper remuneration. The conditions which they have imposed cover such matters as minimum wages, monthly contracts, housing, medical attendance, maternity benefits, compensation and schooling, and in the main are in line with the recommendations of the International Labour Office. In computing minimum or standard wages not only has an average budget been worked out in the greatest detail but considerations such as dependants in India, occasional visits to India, savings for old age, etc., have been taken into account. In both Ceylon and Malaya, there are effective Labour Departments capable of enforcing the conditions laid down by the Government of India and, broadly speaking, they have succeeded in doing so. Broadly speaking too, the planters in both countries have been well aware that it is to their own pecuniary advantage to retain a contented labour force, and many individual planters have shown real vision and understanding in the amenities they have provided. There have always been, however,—and presumably always will be—those who cannot or will not regard the welfare of their labourers as a public as well as a private obligation. Among them, it must be freely admitted have been Indian estate-owners themselves. One such case undoes in the public mind all the good done by a hundred humane employers.

Two important matters are not covered by the conditions laid down by the Government of India, namely, the position of trade unions and the political rights of immigrants. During the last twenty years, the Government of India has been urging both Governments to encourage the growth among Indian labour of trade unions by legislation and any other means. The Governments on the whole have not been unwilling but there has been an understandable reluctance on the part of planters, who had taken a paternal interest in their labour, to deal with them except upon paternal lines. It is also argued, with some truth, that there are not sufficient educated men among the labourers themselves to run the unions and that the way is, therefore, left open for the professional agitator to come in, largely for his own ends, and cause trouble for the sake of causing it. Such an argument, however, carries its own condemnation and would not, it seems,

be accepted anywhere in the world as justification for not proceeding with a programme which in itself is both desirable and progressive. The question of political status is, of course, on a different footing. In *Malaya*, there is no franchise and strictly, therefore, there is no such thing as political status. The Indian community there consequently make their demand for representation by selection on various advisory and local bodies. It must be confessed that this demand in *Malaya* has not the force that it has elsewhere ; the non-estate Indian population is not large and is not normally subject to any serious restriction or discrimination. At the same time, the Malayan Governments have been too easily convinced that suitable Indians to hold representative posts cannot be found, and in *Malaya* as elsewhere the charge cannot wholly be rebutted that the Governments, having discharged their obligations to Indian labour, have taken little interest in the rest of the Indian population. In *Ceylon*, the political question is acute and has twice led to the breakdown of negotiations between the two Governments. Sinhalese reaction to the new Constitution of 1929 was an intense and narrow nationalism which has found its principal expression in fear of, and hostility to, Indians. Where discrimination is prohibited by statute, it has been imposed by executive action, and Ceylon Ministers have seen fit to state publicly that nothing would please them better than to see the last Indian driven from Ceylon. However useful such statements may be for vote-catching in Ceylon, it is not surprising that their reception in India was the reverse of cordial and it can hardly be denied that the present bad relations between India and Ceylon are directly and mainly due to the failure of the Ceylon Ministry to recognise obligations to any except Ceylonese electors.

Burma constitutes a somewhat special problem with highly individual features. The labour question is there, though in a somewhat different form from Ceylon and *Malaya*, since Indian labour in Burma is mostly not organised or employed on estates and there has hitherto been no effective Labour Department there. But it must be constantly remembered that until 1937, Burma was a Province of India. It is, therefore, hardly correct to regard Indians who were in Burma before that date as immigrants ; they were constitu-

tionally in their own country. The Government of Burma Act 1935 attempted to define the position of Indians in Burma by making special provision for their protection, but the sections applying to them are not regarded by Indians as satisfactory and indeed they argue that they do not represent what was intended by the Burma Round Table Conference or by Parliament itself. Some further reference will be made to the matter in the discussion on suggested solutions; what is required in this paragraph is to describe briefly the points of difference between India and Burma. As regards labour, there can be little doubt that Indian labour in Burma in general was seriously neglected. Certain big firms made honest attempts to control and improve labour conditions, but this was the exception rather than the rule. Wages and housing conditions for labour employed by the Port Trust in Rangoon were thoroughly bad, all the worst features of the 'maistry' or contract system flourished, and most big employers, including the large Indian firms, were concerned only to see that there was a constant surplus of cheap labour upon which they could draw. The mentality which permitted or even encouraged such conditions is depressingly reminiscent of the early stages of the Industrial Revolution in England. There has also been for a long time in Burma a large body of floating Indian labour employed during the rice seasons which when agricultural employment was not available, drifted into the towns, especially Rangoon for all kinds of casual and menial labour. Their standard of living, at least in the towns, was very low. The result of these conditions was two-fold. Firstly, it encouraged the Burmans to regard all Indians as menials, ready for low wages to undertake any degrading tasks; secondly,—and to some extent inconsistently—it prompted the argument that by accepting miserably low standards the Indian was doing the Burman out of a job. The truth probably is that the Burman knows he needs Indian labour in the country and has no particular objection to its presence or interest in its welfare; what he really objects to, is the competition from Indians in commercial and professional spheres. The separation of Burma from India in 1937 had the natural effect of stimulating national feeling on lines similar to those noticed in the case of Ceylon, but Burman

sentiment is apt to express itself more violently than in many other countries. The result was the outburst of anti-Indian riots in 1939 which aroused acute resentment in India. In 1940, an attempt was made by the two Governments to reach an agreement on the vexed question of immigration and civil status of Indians in Burma. An agreement was in fact signed, but the reaction against its provisions was so violent in India that the Government of India were constrained to ask the Burma Government for further consideration of certain items. The Japanese invasion put an end to these deliberations.

Fiji. The Indian population in Fiji is mainly an agricultural labouring community, growing sugarcane for the powerful Colonial Sugar Refining Company, a European concern which has wielded great influence in the Colony. There have at various times been disputes about Indian franchise and representation, but it is generally true to say that in the Colonial type of Government which exists in Fiji, the Indians have at least adequate means of making their requirements known. Their principal disabilities at the present time relate to land tenure and educational facilities. In theory all land in Fiji belongs to Fijians and Indians hold land either on direct lease from Fijian landlords or as sub-tenants from the Colonial Sugar Refining Co. As leases fell in, Fijians evinced a tendency either to raise rents or to demand a heavy premium for renewals. The position became so serious that the Fijian Government stepped in and after discussions with the Grand Council of Native Chiefs secured agreement that after setting aside sufficient land for the Fijians themselves, Government should take over the administration of all land remaining and decide terms and conditions for leases. The system required careful and detailed organisation to ensure that all interests were sufficiently protected, but it appears on the whole to have worked well and Indian complaints have been minor in character. Complaints regarding educational facilities refer mainly to the difficulty of providing teaching in Indian languages. This is a difficulty which is not confined to Fiji; it appears elsewhere also. It must be admitted that the Indian community have not always shown themselves sufficiently realistic in their attitude towards this question.

Conflicting claims for different languages such as Hindi, Gujarati and Tamil have presented the Colonial Governments with administrative problems of no small complexity, the satisfactory solution of which, in view of the small numbers concerned and their poverty, must usually be uneconomic. At the same time, there is reason to think that the Fiji Government have not shown sufficient zeal in the provision of higher education for Indians, by which means alone can standards really be raised and, ultimately, the economic difficulties overcome.

Mauritius. As in Fiji, the Indian community in Mauritius is mainly composed of agriculturists. They are, again as in Fiji, the descendants of indentured labourers and their problems arise from their occupation, not their race. Opinion in India has always shown itself sensitive about the condition of Indians in Mauritius, and yet it would not be far from the truth to say that no Indian problem as such exists there. The real reason behind Indian sentiment is the historic objection which has always been taken to indentured labour and an uneasy feeling that these people, living on the soil and accepting low standards of life do not constitute the best advertisement for Indian culture and dignity in the eyes of the world. It is interesting to note that among the Indians who have risen to prominence in Mauritius, whether in Government employ or in the professions, not a few object to being described as Indians and class themselves as Creoles.

West Indies. It is convenient to class *British Guiana, Trinidad and Jamaica* together, though the conditions of the Indian communities there are not entirely the same. For one thing they are all the outcome of the system of indentured labour, and, therefore, present the usual picture of poor standards of living, an agricultural bias and backwardness in education. For another, all these islands were the subject of a Report by a Royal Commission which, on account of the outbreak of war, has not been published. An officer of the Government of India was deputed to assist the Indian communities to place their views before the Commission and without knowing to what extent those views have been endorsed in the Report, it is difficult to specify with any precision what now needs to be done to meet Indian requirements.

Generally speaking, it may be said that all ideas of repatriating Indians to India—and such ideas invariably linger as a result of the indenture system long after their practical validity has disappeared—have now been dropped in the West Indies. Indians there (known for official purposes as East Indians) are concerned primarily with their economic condition, and secondarily with their political and social position. Rates of wages, hours of work, housing conditions, relations with employers, these are all matters of vital concern to the East Indians in the West Indies, but it cannot properly be said that they constitute peculiarly “Indian” problems. They are essentially “labour” problems that may be met with in many parts of the world. What is missing, however, is official contact with Indian labour on Indian terms, rather than on the basis of theoretical statistics and I. L. O. recommendations. The Indian emigrant retains Indian ways of thought and life, and normally an Indian language, for many generations and he needs the assistance of someone who can talk in his language and appreciate the needs arising from his social and religious customs. A particular instance in point may be found in the fact that owing to the laws relating to marriage in British Guiana, the vast majority of Indians there are registered as illegitimate. This constitutes a wholly unnecessary sentimental affront, not only to the community but also to public opinion generally in India, and might at any time in the event of constitutional development result in unjustified political handicaps.

Kenya. It is a remarkable fact that Kenya, with its small Indian population and indeed its minor economic importance in the Commonwealth and the world in general is frequently regarded in India as a black spot second only in its malignity to South Africa. Indians have traded with and, in a commercial sense, established themselves on the East African coast over a period of centuries. That long-standing connection caused neither apprehension nor discomfort until in quite recent years—particularly after the last war—the United Kingdom took up in earnest the colonisation of these territories. Constitutionally the Indian in Kenya suffers no disabilities. He has a vote—on a communal roll it is true—and Indian representatives sit in the Legislature. There is

also an Indian on the Executive Council. It is perhaps this absence of statutory restrictions which, to the Indian mind, makes the application of executive or administrative restrictions all the more heinous an offence. Once realism has come to be regarded, rightly or wrongly, as a pretence and a subterfuge, the value of argument or negotiation very largely disappears. Confidence is lost and may take generations to re-establish. The root of all Indian dissatisfaction in Kenya lies in the reservation of the Highlands for European settlement. The reservation it should be noted is not statutory, but the Governor is empowered to veto any transfer of land in the area concerned and it has been made clear that normally the veto will be exercised against any transfer to an Indian. This device has rankled sorely in Indian minds, and it is difficult to deny that at least in the earlier stages the form that European settlement assumed afforded considerable scope for criticism. For instance, it is not easy to justify permission to European foreigners to occupy land where it is refused to British Indian subjects. In the writer's view, given immigration restrictions to which India could not reasonably object, the practical possibility of Indians in Kenya occupying large areas in the Highlands was, and probably still is, negligible. Here, as in other cases, no true balance has been observed between the value of the object to be attained and the damage caused by the methods adopted to attain it.

Indians in Kenya have two other causes of complaint. To some extent, they are interlinked. One is that they suffer from social disabilities, such as exclusion from hotels, etc., and the other that there have, in the past twenty years, been consistent attempts to "rationalise" commerce and industry, largely in the sphere of marketing, which have, consciously or unconsciously, reacted to the disadvantage of the Indian trader. The latter complaint in fact applies to all the East African territories. The two complaints are linked in the sense that, judging by such evidence as is available, those responsible for the control of commercial and industrial activity have little contact with the Indian community except on an official or formal basis; for instance, it is remarkable that even very recently an enquirer regarding Indian reactions to war news was referred to the police as the best available

source of information. Owing to this lack of contact, policy and plans are apt to overlook Indian requirements and Indian methods, and indeed there is a tendency to regard Indian methods as either dishonest or inefficient without any real enquiry into the basis of them. In any given case, there may be much to be said for the introduction of more rationalised or co-operative methods; equally in any given case where it can be shown that the territory as a whole stands to gain by a change, it should not be impossible to make the necessary modifications to suit Indian methods and requirements. But what is of primary importance is that the attitude usually adopted in commercial matters in the East African territories has induced an apprehension amounting almost to conviction in Indian minds that there is a concerted drive, backed by H. M. G., to oust the Indian trader and to concentrate all commerce in the hands of big European firms or combines. It must be obvious that the danger in permitting such ideas to spread is not confined to the East African coast; the repercussions in India itself and, therefore, upon India's commonwealth relations as a whole are immediate.

Uganda and Tanganyika. These bring no Highlands problem, as in Kenya, Indian complaints in Uganda and Tanganyika are less both in volume and in intensity. They are in fact confined to commercial matters and are on exactly the same lines as have been discussed in the preceding paragraph.

Zanzibar. It is perhaps the clearest proof of what has been said in the case of Kenya that Zanzibar should have appeared in the news as the scene of the fiercest struggle staged anywhere by an overseas Indian community against "rationalisation" of trade. The island is small, the Indian community smaller still; relations between Arabs and Indians generally have been friendly and the whole island, Government, Arabs, Indians and indeed Africans, dependent to an astonishing degree upon one temperamental crop, cloves. It would appear that here, if anywhere, there was an excellent chance to organise the one important industry on a co-operative basis, protecting the interests of growers and merchants alike. Yet it was exactly in Zanzibar that the attempt, ad-

mittedly necessary, produced so clamant an uproar that India, the most valuable client of Zanzibar, voluntarily boycotted Zanzibar cloves and brought the industry not far from disaster. In the writer's opinion, the clash could—and should—have been avoided by much more intimate discussion and contact with the Indian interests at the earliest stages, before proposals were framed. Discussion came too late, after suspicion had been aroused and a vast number of strictly irrelevant issues had been introduced. It is worth noting too that the ultimate agreement, which with minor incidents has proved workable and satisfactory, was reached only as a result of prolonged and very intimate discussion in the course of which the authorities in the island displayed the most praiseworthy patience and understanding.

IV. THE MAIN PROBLEMS AND SUGGESTED SOLUTIONS

Although it is essential, for the understanding of any particular dispute regarding Indians in the Commonwealth which may inflame Indian opinion, to obtain a clear picture of conditions in the country concerned, and indeed no solution can be sought by reference to general principles alone, it is nevertheless possible and useful to indicate certain main headings under which the chief causes for complaint may be classified.

Immigration. Not a few of the apprehensions expressed in other countries have in the past sprung from an unreasoning belief that they may at any time be swamped by a flood of Indian immigrants. This has been particularly the case in Burma and Ceylon, where the apprehensions are not likely to have been allayed by the huge increase in India's population disclosed by the 1940 census. Though historically there is little moral justification for converting this fear into a cause of complaint against India or an Indian community, there is at least this grain of solid foundation that when requests were made to India for assistance in the form of Indian labour the authorities concerned probably underestimated the rate of increase in a poor and backward Indian population and they did make attempts—though mainly unsuccessful in the end—to secure that the immigrants should return to India. But even this small quantum of

justification can be no ground for today imposing restrictions and indignities upon immigrants who have now settled. If it is true that no man can alter geography, it is equally true that no man can alter past history. India has given the most convincing proof that she has no desire to swamp any country by subscribing, at the Imperial Conference in 1921, to the proposition that each member of the Commonwealth has the right to determine the composition of its own population. That should be sufficient answer to any fears regarding the future. India, moreover, has given practical evidence of her agreement with that principle. In the negotiations undertaken with Burma and Ceylon—both unhappily abortive—India specifically accepted the right of both countries to impose what conditions they thought fit upon new immigration, or indeed to prohibit it altogether. No objection was taken anywhere in India to this position. Moreover, India has clearly recognised that it is to her discredit to allow herself to be regarded as a world emporium for unskilled labour; not only does unrestricted permission to emigrate result in keeping labour wages down but it also spreads a false and undesirable impression of Indian habits and standards. This realisation has been partly responsible for the complete prohibition in recent years on emigration for unskilled labour to Malaya and Ceylon. India's policy in regard to emigration has been slowly crystallising in the past 15 or 20 years and may be summarised as follows. India has statutory power to prohibit emigration both for skilled and unskilled employment abroad. This power has in the past been mainly used, not to prohibit such emigration, but to obtain the best possible conditions of employment for the emigrants. In future, permission to emigrate should constitute the exception rather than the rule. There are, however, certain countries notably Burma, Malaya and Ceylon, whose whole economic structure depends largely upon a supply of Indian labour. India has no wish to destroy that structure and will, therefore, permit emigration of the labour required subject to the following important provisions :—

- (i) New labour must never be permitted to go in such quantities as to enable employers to depress wages;

- (ii) India will not agree to any arrangement which permits immigration of labour, but excludes other classes, such as commercial or professional men ;
- (iii) Restrictions may be imposed on all new immigrants, labour or otherwise, including the denial of the right to qualify for full citizenship rights, but such restrictions should not discriminate against Indians as such, and should in no case operate more harshly against Indians than against non-British subjects ;
- (iv) Satisfactory agreements must be reached regarding the civil rights of Indians already settled or resident in the various countries outside India.

This policy is, in the writer's opinion, on the right lines and it should now be clearly recognised that in regard to future emigration from India to any other part of the Empire there need be no difficulty in reaching agreement. It should only be remembered that with regard to labour, skilled or unskilled, India has, and is ready to exercise, the power to prohibit emigration, and that in no circumstances will India again agree to labour emigration on any basis which can be interpreted as indenture. Sentiment in India regarding emigrant labour is very strong and has deep historical roots ; there will be no hesitation in rejecting proposals containing even the most attractive terms to the individual if they do not leave the labourer with a free choice of occupation. If even a small part of the very wide schemes of development, now being freely advertised in India, is implemented there will be strong economic justification to back up sentiment.

Domicile. In various discussions, and even negotiations, relating to Indians in the Commonwealth somewhat loose claims have been made for rights of domicile for Indian communities. Domicile, as the writer understands it, is a legal conception which must be decided with reference to both fact and intention. Domicile is largely undefined and the interpretation of the general law relating to it is a complicated technical matter. Broadly speaking, however, where domicile is undefined an application for a declaration of domicile will not be entertained by a court of law unless the declaration is for a specific purpose, that is to say, unless

it can be shown that a claim for some right or privilege is dependent upon the declaration. Domicile may, however, be defined by law, in which case, of course, the claimant merely has to establish that he possesses the statutory qualifications for his claim. Indian communities in the Commonwealth are interested in establishing domicile for certain specific purposes, principally the franchise, economic equality, and equal opportunity for employment. Needless to say none of them necessarily follow from the possession of domicile; at the same time it is generally true that the absence of domicile will make them harder to attain. Where domicile is defined by statute the privileges of domicile will also be defined; in these cases all that Indians are concerned to ensure is that the qualifications for domicile are the same for all non-nationals and are not unduly onerous. Where domicile is not defined by statute it is better not to regard it as either a yardstick or an objective in itself.

Franchise. The Indian in the Commonwealth is a firm believer in the value of the franchise. It must be admitted, and indeed *is* frankly admitted, that by itself it may frequently add little or nothing to the strength of the Indian voice in the control of public affairs. But the denial of it is an indignity out of all proportion to the benefit of its possession. It is regarded—and rightly—as a national or racial slur; it is one of the main points upon which Indian opinion in India becomes easily excited. What is asked for in all countries where the franchise exists, parliamentary or municipal, is an equal vote on a common roll. There is a curious tendency in certain countries to regard a communal roll as a possible form of compromise; it is difficult to attribute this to anything but either confused thinking or unreasoning prejudice. If it is admitted that the Indian resident has a right to vote, the admission should clearly be because of his identification with this country of adoption and not in spite of it. Moreover, in most countries where the question is exercising public attention, in practice to give the Indian the vote on a common roll is likely to reduce the effectiveness of the Indian vote as a whole, while at the same time giving the community less justification for thinking and acting on communal lines. If, as the writer firmly believes, it is legiti-

mate to expect every Indian settler to reach a clear decision whether he belongs to India or to the country where he has settled, it is equally legitimate for the Indian who decides in the latter sense to claim complete identification and not a grudging recognition which, in effect, perpetuates racial differentiation. The answer, frequently given in the past, that this will encourage similar claims from African or other natives, is no answer at all. Presumably objection is taken to the latter on the ground that they are not yet sufficiently advanced to exercise the franchise intelligently and with a sense of responsibility. No such argument is available in the case of Indians who, in their own country, not only have been exercising the franchise for many years but have the firmest and most specific promise of Dominion self-government at the earliest practicable date. This is an outstanding example of the weight which must be attached to sentiment. Much has been said of the undefined but powerful bonds which cement the units of the Commonwealth. These are in effect bonds of sentiment. If India is to remain in the Commonwealth and give it the large additional strength which it lies in India's power to give, Indian sentiment must also be encouraged to find advantage in the bonds that bind it.

Economic Equality. Under this heading there are two major considerations; first, rivalry between Indian and European commercial interests; second, differences in Indian and European business methods. In regard to the first there has for years been an apprehension in Indian minds that European Governments, whether in London or elsewhere in the Commonwealth, have consciously given preference to European business both in India and elsewhere. In India, in the writer's opinion, there are unmistakable and most encouraging signs that British business firms are squarely facing the fact that they can and should expect no preferential treatment and are preparing to meet Indian competition on absolutely equal terms. There are few if any such signs outside India; in East Africa, for instance, it is within the writer's knowledge that more than one Indian firm has already come to the conclusion that it is the fixed and acknowledged policy of the British Government to squeeze out Indian business, whether by legislative or administrative means. These people are

already engaged upon preparations—not it may be imagined with any good-will towards the Commonwealth—to close down after the war and transfer to India. The apprehensions may be, and probably are, ill-founded but the dangerous aspect of them lies in the fact that no steps are being taken to remove them. It is possible that the administrations concerned are not aware of them; if so, that merely emphasises the lack of interest displayed in the Indian communities to which reference has previously been made. It seems clear, however, that if a genuine attempt is to be made to determine, even in general terms, the position of Indians in the Commonwealth, it is high time that these and similar apprehensions should be allayed.

The difference between Indian and European business methods lies mainly in the fact that Indian banking and commercial backing is frequently on a much more personal footing than in Europe. There is also the consideration that in dealing with his principals an Indian trader may often find himself compelled to conduct correspondence and keep accounts in three or more languages; and accounts for Indian purposes are not infrequently compiled on a different basis from accounts for European or official purposes. These things are in a sense no more than the mechanics of business, but they have an effect upon the staff and office organisation which an Indian trader must employ. In attempting to “rationalise” particular industries or to introduce commercial controls there is reason to believe that certain administrations have not sufficiently taken into account the extent to which the proposed changes will react upon the Indian trader’s organisation. No doubt, when practical difficulties are brought to light, attempts are made to overcome them, but it is not unreasonable to assume that time, trouble and possibly temper would have been saved if they had been considered at the initial stages, and it is impossible to deny that full prior consultation with Indian interests would have served to remove, rather than enhance, the conviction that in the eyes of the authorities only European British interests matter.

Equality in Employment. This may appear a somewhat curious heading; yet it represents a problem of no small magnitude which has arisen in more than one country. The

question of Government employment may be taken first, because it offers certain special features and at the same time should not be particularly difficult of solution. In India a Government post is particularly coveted, partly for the security it affords; partly for the chances it offers to a good man, and partly no doubt because of the patronage that may arise from it. Indians, recognising their own feelings in the matter, are willing to attribute the same feelings to other people and to regard Government employment as a close preserve for the nationals of a country. They are prepared to concede that it may be denied to anyone not born and brought up in the country. But when it is denied, as for instance in the case of Ceylon, to any but the third generation, that is, the children of parents themselves born in the country, or, as in the case of South Africa, on purely racial grounds, or by administrative practice, they feel and are justified in feeling that the exclusion is both unprincipled and unwarrantably rigid. It is worth noticing too that in many countries where Indian communities are to be found, Government posts are held largely not by nationals of the country but by Europeans. Indians do not regard this as necessarily objectionable in the circumstances, but it certainly serves to mark the discrimination against them when it is pushed beyond reason and justice. No argument can be based upon one or two individual instances, but it is perhaps worth while quoting a case which will show the kind of trouble which may arise. An Indian boy, born and educated in Burma, applied for admission to the examination for the principal administrative service. He was refused admission on the ground that he was not qualified. He then applied for admission to the examination for the I. C. S., in India. This was refused by India on the ground that he was a subject of Burma. Government of Burma were induced to reconsider, he appeared for their examination and passed top. He was then rejected on the ground that he did not possess sufficient character. All the steps in this little story may have been taken on grounds of highest principle, but it is hardly surprising if the boy concerned finds it difficult to believe that that is the case.

In non-Government employment the Indian asks only for a fair field and no favour. Given full "domicile" or

whatever test may be devised to determine identity with the country of adoption, this is not an unreasonable demand. Unfortunately it is by no means always satisfied. Many devices are adopted to exclude Indians from particular callings. Where social prejudice exists in an acute form, that in itself imposes considerable restrictions on the scope of employment. Where it does not exist, trade unions may be exclusive or Government themselves may, for the purpose of giving contracts, insist upon a percentage of indigenous labour. It is easy to conceive of circumstances where indigenous labour—or indeed indigenous aptitude of any kind—may need protection against immigrant competition; Indian opinion, however, would argue that such a case should be met by preventing the competition at source, that is, by prohibiting or restricting immigration itself. Post-immigration devices have, it must be admitted, a disingenuous air and it cannot be denied that in certain cases they may, indeed must, operate most unfairly to the disadvantage of those who have legitimately entered and settled down. Here again it is a question of facing facts realistically. There are countries—Ceylon is an outstanding case—where the leaders of public opinion profess to see in the Indian community a menace to the indigenous population. They proceed to argue therefrom that it is their duty to reduce the numbers of that community by any means, legislative or administrative, that may be open to them. Even assuming that the apprehensions expressed are genuine, it should be clear that there are other means of tackling the problem without offering so patent an affront to historical and moral obligations. Either the immigrant entered the country legally, or he did not. If he did not, action can be taken against him under the law. If he did, the State must concede that by implication his immigration had a potential value; if it did not, his immigration should have been prevented.

V. CONCLUSION

India's relations with the Commonwealth are likely to be determined largely by the success or failure attending attempts to solve problems of the

it seems fairly clear that both to India and to the rest of the Commonwealth close and harmonious co-operation is, to say the least, eminently desirable. But so strong is Indian sentiment upon this point, and so compelling the conviction in Indian minds that their claims are just, that rather than accept any position of inferiority or qualified membership India is likely to consider seriously foregoing other advantages which she might obtain. If this is correct, and if indeed it is a matter of concern to the Commonwealth that India should become a willing partner, it is worth while attempting to formulate both the demands that India will make and the concessions to which she must agree. They can be put quite briefly:

✓(i) India will demand that Indians now settled in other Empire countries be entitled to qualify for all civic rights, not as a minority community, but as individuals belonging to the country as a whole ;

(ii) India must concede that Indians who have been so absorbed have no claim upon the Government of India for any of their requirements in the country in which they have settled ;

✓(iii) India will demand that the qualification for full citizenship should be neither (a) any more strict for Indians than for any non-British subject, nor (b), so designed as to make it in practice impossible for the majority of the Indian community to qualify;

✓(iv) India must concede that each country has the right to deny the chance of qualifying for citizenship to new immigrants, or to accord it only on conditions attaching to the permission to enter ;

✓(v) India will retain, and probably exercise, her right to prohibit the emigration of labour except upon conditions permitting the permanent absorption of such labour ;

✓(vi) India must concede that emigrant labour, old or new, when permanently absorbed, is no longer her concern ; labour conditions then become the subject of negotiation either by trade unions or by international organisations.

The foregoing is inevitably an over-simplification of the problem, as any formula must be. The crux of the matter is obviously the meaning to be given to the words "perma-

nently absorbed." The meaning may in fact have to vary from country to country to suit local conditions and circumstances, but broadly Indian opinion would regard it as having been achieved when no Indian who has been permitted to enter a country unconditionally is subject to any disability, statutory, administrative, social or economic, because he is an Indian.) There may clearly be cases—South Africa occurs to the mind at once—where the complete attainment of this ideal can only come after the passage of time. In such cases India, while maintaining the ideal intact, should be prepared to wait provided the Government of the country concerned recognises the justice of the ultimate claim and at the same time obtains the voluntary agreement of the resident Indian community to working arrangements which may be reviewed from time to time. Similarly, there may be wide differences of opinion as to what are reasonable qualifications for full citizenship; the resolution of such differences will require wide vision and wise statesmanship on both sides.) But so long as there is due recognition of India's equality in and importance to the Commonwealth agreement should be, and indeed must be, forthcoming. In post-war conditions India's potential contribution to the Commonwealth will be great, and her potential nuisance value correspondingly high. While the war continues it may not be possible for India to exercise other than moral pressure; after the war she will undoubtedly look for every means at her disposal to enforce what she regards as her reasonable minimum demands.

